

**UTILITY PATENT APPLICATION TRANSMITTAL
(Small Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*Docket No.
4501 P

Total Pages in this Submission

TO THE COMMISSIONER FOR PATENTSMail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

A MATCHED FILTER FOR SCALABLE SPREAD SPECTRUM COMMUNICATIONS SYSTEMS

and invented by:

W. Kurt Dobson
Dirk Ostermiller
Sy Prestwich
Scott Bevan22387 U.S. PRO
10/670708

09/24/03

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 14 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal Number of Sheets 2
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☒ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* ERR262942923US

(Only for new nonprovisional applications under 37 CFR 1.53(b))

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Fee Calculation and Transmittal**CLAIMS AS FILED**

| For | #Filed | #Allowed | #Extra | Rate | Fee |
|--|--------|----------|--------|-----------|----------|
| Total Claims | 10 | - 20 = | 0 | x \$9.00 | \$0.00 |
| Indep. Claims | 1 | - 3 = | 0 | x \$42.00 | \$0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| BASIC FEE | | | | | \$375.00 |
| OTHER FEE (specify purpose) Recordations of Assignment | | | | | \$40.00 |
| TOTAL FILING FEE | | | | | \$415.00 |

- ☒ A check in the amount of **\$415.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0581** as described below.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 24 September 2003

Signature

CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: W. Kurt Dobson
Dirk Ostermiller
Sy Prestwich
Scott Bevan

ASSIGNEE: Spectrum5, Inc.

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: A MATCHED FILTER FOR SCALABLE SPREAD SPECTRUM
COMMUNICATIONS SYSTEMS

ATTORNEY DOCKET: 4501 P

Mail Stop: PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231301450

FEE CALCULATION SHEET

Honorable Commissioner:

The fee for the accompanying patent application is calculated as follows:

| | |
|--|-----------------|
| Basic Filing Fee (small entity) | \$375.00 |
| Independent claims in excess of three (0x 42.00 each) . . . \$ | 0.00 |
| Claims in excess of twenty (0 x 9.00) \$ | 0.00 |
| <u>Recordation of Assignment</u> | <u>\$ 40.00</u> |
| TOTAL | \$415.00 |

A check for this amount is enclosed. The Commissioner is hereby authorized to charge any deficiency and to credit any overpayment to Deposit Account Number 50-0581. Thank you.

Respectfully submitted this 24th day of September, 2003.


Lloyd W. Sadler, Reg. No. 40,154
PARSONS BEHLE & LATIMER
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 532-1234
Facsimile: (801) 536-6111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: W. Kurt Dobson
Dirk Ostermiller
Sy Prestwich
Scott Bevan

ASSIGNEE: Spectrum5, Inc.

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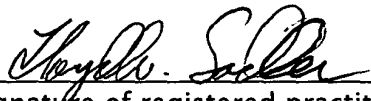
ATTORNEY DOCKET: 4501 P

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 2231301450

CERTIFICATE OF MAILING

Honorable Commissioner:

I hereby certify that the attached paper of fee (Patent Application) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee," Express Mail Mailing Label Number ER262942923 US, (under 37 C.F.R. § 1.10) on this 24th day of September, 2003 with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Mail Stop: Provisional Patent Application.



Signature of registered practitioner or other person having a reasonable basis to expect mailing to occur on the date of deposit shown pursuant to 37 C.F.R. § 1.8(a) or person actually making deposit pursuant to 37 C.F.R. § 1.10(b).

Lloyd W. Sadler, Reg. No. 40,154
Name of person whose signature is given above

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: W. Kurt Dobson
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Sy Prestwich
Scott Bevan

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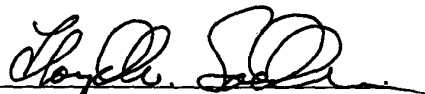
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COVER LETTER

Honorable Commissioner:

Enclosed herewith please find the following documents comprising a United States patent application: (1) specification, claims and drawings, (2) declaration of inventor(s), (3) fee calculation sheet, (4) fee, (5) statements of small entity status, (6) information disclosure statement and form(s) 1449, (7) an application data sheet, and (8) return receipt postcard.

Respectfully submitted this 24th day of September, 2003.



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REQUEST AND CERTIFICATION UNDER
35 U.S.C. § 122(b)(2)(B)(i)

Honorable Commissioner:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

This request is signed in compliance with 37 C.F.R. 133(b), in that it is signed by a registered attorney appointed in compliance with §1.34(b), and is hereby submitted with the application upon filing.

Applicant understands (1) that Applicant may rescind this nonpublication request at any time. (2) If applicant rescinds a request that an application not be published under 35 U.S.C. § 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed. (3) If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. (4) Failure to do so will result in abandonment of this application (35 U.S.C. §

122(b)(2)(B)(iii).

Respectfully submitted this 24th day of September 2003,


Lloyd W. Sadler, Reg. No. 40,154
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